



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

TB

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,444	02/13/2001	Heather A. Bartholf	CRD0887	9864

7590

07/01/2003

Audley A. Ciamporcero, Jr.  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933-7003

EXAMINER
----------

SNOW, BRUCE EDWARD

ART UNIT	PAPER NUMBER
----------	--------------

3738

DATE MAILED: 07/01/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/782,444

Applicant(s)

BARTHOLF ET AL.

Examiner

Bruce E Snow

Art Unit

3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (WO 98/2341) in view of Parker (5,221,270).

Sullivan teaches a catheter and stent system comprising a clear outer sheath 14; an inner shaft 35; and stent 18. However, Sullivan is silent regarding said sheath having an inner layer having a braiding thereon. Parker teaches an outer sheath (catheter) which utilizes a stainless steel braiding over a Teflon inner layer. It would have been obvious to one having ordinary skill in the art to have utilized the additionally elements of a braiding and inner layer as taught by Parker on the outer sheath of Sullivan wherein the braiding reinforces and minimizes kinking and the Teflon inner layer provides lubrication and prevents the braid from extending into the passageway. See column 2, lines 11-40.

Note Parker teaches a distal tip 12 bonded to the distal section.

Regarding the radiopaque material, see column 2, lines 31-39 of Parker.

Art Unit: 3738

Claims 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (WO 98/2341) in view of Parker (5,221,270) and further in view of Poncet (5,833,694).

Sullivan and Parker teach the system as described above, however, they are silent regarding a distal section of the outer sheath having a greater diameter. Referring to figures 19-20, Poncet teaches a distal section can have a greater diameter than the remaining tubular body member. It would have been obvious to one having ordinary skill in the art to have utilized the configuration taught by Poncet in figure 19 wherein the proximal portion of the delivery system has a small diameter with the system Sullivan and Parker such the proximal portion of the catheter system could pass through the vessels easier.

Claims 22 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (WO 98/2341) in view of Wilson et al (6,019,778).

Sullivan teaches a catheter and stent system comprising a clear outer sheath 14; an inner shaft 35; and stent 18. However, Sullivan is silent regarding said sheath having a braiding between a coating and an inner layer. Referring to figure 6, Wilson et al teaches embedding a braiding 70 within outer sheath 40 producing a coating and an inner layer. It would have been obvious to one having ordinary skill in the art to have utilized the braiding of Wilson et al in the outer sheath of Sullivan wherein the braiding reinforces and minimizes kinking.

Art Unit: 3738

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan (WO 98/2341) in view of Wilson et al (6,019,778) and further in view of Poncet (5,833,694).

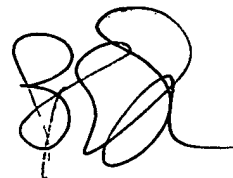
Sullivan and Wilson et al teach the system as described above, however, they are silent regarding a distal section of the outer sheath having a greater diameter. Referring to figures 19-20, Poncet teaches a distal section can have a greater diameter than the remaining tubular body member. It would have been obvious to one having ordinary skill in the art to have utilized the configuration taught by Poncet in figure 19 wherein the proximal portion of the delivery system has a small diameter with the system Sullivan and Wilson et al such the proximal portion of the catheter system could pass through the vessels easier.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bruce E Snow whose telephone number is (703) 308-3255. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (703)308-2111. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3590 for regular communications and (703) 305-3590 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0858.

bes  
June 24, 2003

A handwritten signature in black ink, appearing to be 'BS' followed by a stylized flourish.

BRUCE SNOW  
PRIMARY EXAMINER